

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Douglas Dynamics, LLC, d/b/a/ Western
Products,

Plaintiff,

v.

B&P SUPPLY, INC.,

Defendant

CIVIL ACTION

Docket No: 04-cv-11467

**PLAINTIFF DOUGLAS DYNAMICS, LLC d/b/a WESTERN PRODUCTS'
OPPOSITION TO DEFENDANT'S MOTION FOR EXTENSION OF TIME**

Plaintiff Douglas Dynamics, LLC d/b/a Western Products ("Western") hereby opposes Defendant B&P Supply, Inc.'s ("B&P's") Motion for Extension of Time. As grounds therefore, Western states as follows:

On or about June 24, 2004, Western filed a Complaint against B&P seeking damages for breach of contract. (*See* Complaint; docket entry No. 1.) B&P was served with the Summons and a copy of the Complaint on or about July 15, 2004. (*See* docket entry No. 3.) After B&P was served with a copy of the Complaint, counsel for B&P contacted counsel for Western to determine if the parties could resolve the dispute before B&P had to file an Answer to the Complaint. In light of the settlement discussions between Western and B&P, Western assented to a motion by B&P to extend the deadline for filing an Answer to September 3, 2004, which motion this Court granted on August 5, 2004. (*See* Order granting docket entry No. 5.) Western and B&P continued to work towards settling the dispute; however, despite their efforts, they were not able to reach an agreement before the September 3, 2004 deadline.

Although B&P did not file an Answer to the Complaint, by letter dated October 7, 2004, Western informed the Court and counsel for B&P that it would not object to extending the

deadline for answering the Complaint to October 17, 2004. (*See* docket entry No. 6.) Western made it clear in that letter that it would request the entry of a default judgment against B&P if B&P did not file an Answer by October 17, 2004. *Id.* B&P did not file an Answer by October 17, 2004 - instead, B&P filed a motion to extend the deadline for responding to the Complaint to November 15, 2004. Western has filed a motion requesting the Court to enter a default judgment against B&P for failing to file an Answer to the Complaint and therefore, Western opposes B&P's motion for extension of time.

Dated: October 25, 2004

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CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2004, I electronically filed Plaintiff Douglas Dynamics, LLC d/b/a Western Products' Opposition To Defendant's Motion For Extension Of Time with the Clerk of Court using the CM/ECF system. I also served a copy of the same, via First-Class Mail, postage prepaid, upon the following:

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/s/ Christopher R. Drury _____
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